

SM Exhibit CM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,

Plaintiff,

Index No.

vs.

10 Civ 6005 (RWS)

CITY OF NEW YORK, et al.,

Defendants.

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VOLUME II

CONTINUED DEPOSITION OF TIMOTHY CAUGHEY

New York, New York

Monday, December 9, 2013

Reported by:

Diane Buchanan

JOB NO. 1779274

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December 9, 2013

2:47 p.m.

Continued Deposition of TIMOTHY

CAUGHEY, held at the Law Offices of

Nathaniel B. Smith, 111 Broadway, New

York, New York 10006, pursuant to

Notice, before Diane Buchanan, a Notary

Public of the State of New York.

1 T. Caughey

2 MR. SHAFFER: Objection.

3 A. For the unusual entry that he made
4 in it.

5 Q. What did you do with that
6 photocopy?

7 A. I placed a copy -- I made two
8 copies of the memo book. I believe I put one
9 in my office and I put another copy into the
10 inspector's office.

11 Q. When you say you put another copy
12 in the inspector's office, what do you mean?

13 A. I went into his office with the
14 copies in a manila envelope. I put it in his
15 drawer of his desk.

16 Q. Did you write a note in the manila
17 envelope or on the manila envelope?

18 A. No.

19 Q. Did Mauriello know you were making
20 copies of the memo book at the time you were
21 making them?

22 A. No.

23 Q. Did you tell Inspector Mauriello
24 after making the copies that you made copies
25 and put a copy in his desk drawer?

1 T. Caughey

2 MR. SHAFFER: Objection.

3 A. I told Inspector Mauriello about
4 the copies on the day I returned to work.

5 Q. When was that?

6 A. I'm not sure of the date I
7 returned. October 31st I believe was a
8 Saturday. It was either Monday or Tuesday.

9 Q. Did you discuss the entries in
10 Officer Schoolcraft's memo book with anybody?

11 MR. SHAFFER: Objection.

12 A. What time frame?

13 Q. Any time after making the
14 photocopies.

15 A. First time I discussed those
16 photocopies was the day I returned to work.

17 Q. What about the entry; did you
18 discuss the entries with anybody in the memo
19 book after making the copies?

20 A. Again, the first time I discussed
21 the contents of the memo book was the day I
22 returned to work.

23 Q. And who did you discuss that with?

24 A. Inspector Mauriello.

25 Q. What did you tell him?

1 T. Caughey

2 statements from other people about Officer
3 Schoolcraft leaving early that day. I want
4 to ask you about your knowledge putting aside
5 what other people have told you.

6 Can you do that for me?

7 A. Yes.

8 Q. Were you present in the 81st when
9 Schoolcraft left?

10 MR. SHAFFER: Objection.

11 A. No.

12 Q. You left for the day before he did;
13 is that correct?

14 A. Yes.

15 I'm sorry. You know what, I can't
16 answer that accurately, as you said only from
17 my knowledge.

18 Q. Only from what you perceived.

19 A. I don't know if I left before him.

20 Q. Do you recall why you left that
21 day?

22 MR. SHAFFER: Objection.

23 A. I don't.

24 Q. When you spoke with Inspector
25 Mauriello two days later about what happened

1 T. Caughey

2 at Schoolcraft's apartment, did he tell you
3 that there was a box of 61s that was taken
4 out of Schoolcraft's apartment?

5 MR. SHAFFER: Objection.

6 A. No.

7 Q. Did anybody tell you there was a
8 box of 61 taken out of Schoolcraft's
9 apartment?

10 MR. SHAFFER: Objection.

11 A. No.

12 Q. Turn back to your PG, Exhibit 33,
13 page 10,259. Top of the page, page 33, lines
14 1 through 3, "Did anything else transpire?"
15 And then you answer, "They told me that the
16 inspector said that there were I think 61's
17 in there. It was some books of 61s or
18 something."

19 Do you see that reference?

20 A. I do.

21 Q. Did you make that statement to IAB?

22 A. I believe I did.

23 Q. So Mauriello told you that there
24 was a box of 61s at Schoolcraft's apartment?

25 MR. SHAFFER: Objection.

1 T. Caughey

2 A. I believe he did.

3 MR. KRETZ: Objection.

4 Q. Did he tell you that box of 61s was
5 brought back to the 81st Precinct?

6 A. If I recall correctly, he said it
7 was left there.

8 Q. Did he tell you that anything else
9 was left there?

10 A. Not that I can recall.

11 Q. Did he tell you that a digital
12 recorder was left there?

13 A. Not that I recall.

14 Q. Did you provide a copy of Officer
15 Schoolcraft's memo book entries that you
16 photocopy also to Brooklyn North
17 investigations unit?

18 A. I did not provide a copy of that,
19 no.

20 Q. Did you have any communication with
21 Brooklyn North investigation about
22 Schoolcraft after October 31, 2009?

23 A. Yes.

24 Q. What contacts did you have with
25 them?

1 T. Caughey

2 A. At one point in time, and I don't
3 know relating to December to October 31st,
4 Captain Trainer from Brooklyn North
5 investigations asked me if I had the folder
6 in my office. He asked me if I could bring
7 it to him.

8 Q. Which folder?

9 A. The folder in my office with the
10 copies of the memo book and everything else
11 related to Schoolcraft's personnel folder
12 that I held in my office.

13 Q. And did you do that?

14 A. I brought it to his office, yes.

15 Q. And what did he do with it?

16 A. He made copies of the folder.

17 Q. The entire folder?

18 A. I don't know.

19 Q. He made copies of some of it,
20 right?

21 A. Yes.

22 Q. And then he gave it back to you?

23 A. Yes.

24 Q. And then you brought it back to the
25 81st Precinct?

1 T. Caughey

2 A. Yes.

3 Q. And you put it in the original file
4 from which it had come?

5 A. In my office, yes.

6 Q. Did you have any discussions with
7 Trainer about Officer Schoolcraft?

8 A. I believe we did, yes.

9 Q. What do you recall about those
10 discussions?

11 A. I don't recall it.

12 Q. How did Trainer know that you had a
13 file on Schoolcraft?

14 A. I don't know.

15 Q. Did he know that you had a copy of
16 his memo book?

17 MR. SHAFFER: Objection.

18 A. I don't know.

19 Q. How many days or weeks or months
20 after the October 31st incident with
21 Schoolcraft did this meeting take place?

22 MR. SHAFFER: Objection.

23 A. I don't recall.

24 Q. Did you ever examine any of
25 Schoolcraft's property?

1 T. Caughey

2 when you took Officer Schoolcraft's book and
3 made copies for evidence, do you remember
4 folding down any of the pages or earmarking
5 or dog-earring any of the pages to the book?

6 A. I don't, no.

7 Q. And so your recollection is that
8 you photocopied the whole book, right?

9 A. I believe I did, yes.

10 Q. And during that day, did you at all
11 act in an unusual manner with respect to
12 Schoolcraft?

13 MR. SHAFFER: Objection.

14 A. No.

15 Q. Did you brandish your weapon to him
16 at any time that day?

17 MR. SHAFFER: Objection.

18 A. No.

19 Q. Did you come within several feet of
20 him during that day?

21 MR. SHAFFER: Objection.

22 A. Yes.

23 Q. On how many occasions did you come
24 within several feet of him that day?

25 MR. SHAFFER: Objection.